

IC 26-2-5

Chapter 5. Construction or Design Contracts; Indemnity Agreements Invalid

IC 26-2-5-1

Indemnity agreements against public policy as void and unenforceable; exception

Sec. 1. All provisions, clauses, covenants, or agreements contained in, collateral to, or affecting any construction or design contract except those pertaining to highway contracts, which purport to indemnify the promisee against liability for:

- (1) death or bodily injury to persons;
- (2) injury to property;
- (3) design defects; or
- (4) any other loss, damage or expense arising under either (1), (2) or (3);

from the sole negligence or willful misconduct of the promisee or the promisee's agents, servants or independent contractors who are directly responsible to the promisee, are against public policy and are void and unenforceable.

(Formerly: Acts 1975, P.L.276, SEC.1.)

IC 26-2-5-2

Uninsurable facility excepted

Sec. 2. This chapter does not apply to a construction or design contract if liability insurance normally available within the United States at standard rates cannot be obtained for the facility being constructed or designed because it constitutes a dangerous instrumentality.

(Formerly: Acts 1975, P.L.276, SEC.1.)

IC 26-2-5-3

Application of chapter

Sec. 3. This chapter applies to a construction or design contract entered into after June 30, 1975.

As added by P.L.1-1989, SEC.53.